

MINUTES OF THE
IDAHO STATE BOARD OF PHARMACY

August 19, 2005

AmeriTel Inn
Boise, Idaho

Chairman Dwayne Sheffler R.Ph. called the meeting to order at 8:30 A.M. In attendance were board members Kitty Gurnsey, Mike Merrill RPh, Richard Jones RPh and Frank Casabonne RPh. Also present were Richard Markuson, Executive Director; Fred Collings, Senior Investigator; Dustie Reyna Investigative Assistant; Jan Atkinson, Senior Compliance Officer and the Board's legal counsel Kent Nelson, Deputy Attorney General and Cheri Bush, Deputy Attorney General.

Mike Merrill made a motion to approve the minutes from the June 2005 board meeting as written. Kitty Gurnsey seconded the motion. Motion unanimously carried.

Regarding the Emergency Suspension Order filed against the Controlled Substance Registration of Carlos Bond MD; Mike Merrill made a motion to accept the emergency suspension as written. Frank Casabonne seconded the motion. Motion unanimously carried.

Regarding the Notice of Intent to Take Default filed against the technician registration held by Sundi Lynn Archibald; Frank Casabonne made motion to suspend Ms. Archibald's technician registration for ninety days and place her technician registration on probation for one year following her reinstatement. In addition, Ms. Archibald shall submit a disclosure statement to all future employers indicating her probationary status. Motion seconded by Mike Merrill. Board members Kitty Gurnsey and Dick Jones voted no creating a tie vote. Chairman Dwayne Sheffler voted yes breaking the tie and the motion carried.

Regarding citation # 2576 issued to Farm City Animal Supply; James Kaiserman, General Manager of Farm City assured the board members that he had personally addressed all procedural violations and implemented a policy and procedure manual as addressed by the citation. Mike Merrill made a motion to fine Farm City \$400 for their multiple violations and place a letter of reprimand in their file. Frank Casabonne seconded the motion. Motion unanimously carried. Mr. Kaiserman requested that the Board review the current rule requiring a 72 hour time limit for receiving a signed prescription from the veterinarian and also the rule requiring the use of Department of Agriculture three-part prescription blanks which prevents his facility from faxing or emailing prescriptions. Kitty Gurnsey suggested the Board review all the rules for veterinary drug outlets and make any necessary changes. Mike Merrill recommended the Board also take a hard look at this Boards continued involvement with and implementation of rules governing the veterinary drug outlets.

Regarding citation # 1293 issued to pharmacist Frances Mary Huber; Kitty Gurnsey made a motion to fine Ms. Huber \$100 and place a letter of reprimand in her file. Mike Merrill seconded the motion. Frank Casabonne voted no. Motion carried.

Regarding citation #2579 issued to pharmacy technician Tawnya Savage; Mike Merrill made a motion to fine Ms. Savage \$100 and place a letter of reprimand in her file. Richard Jones seconded the motion. Motion unanimously carried.

Regarding citation #2578 issued to pharmacist Brent Baxter; Mike Merrill made a motion to fine Mr. Baxter \$100 and place a letter of reprimand in his file. Frank Casabonne seconded the motion. Motion unanimously carried. Mr. Baxter requested that Board staff consider changing the colors on the license and registration cards for each renewal period to reduce the chance of individuals working in the pharmacy with expired registrations. Jan Atkinson, Senior Compliance Officer indicated that his suggestion was being implemented by Board staff and would be in effect during the next renewal period.

Regarding citation #2583 issued to pharmacy technician Terrance Thomas; Frank Casabonne made a motion to fine Mr. Thomas \$100 and place a letter of reprimand in his file. Kitty Gurnsey seconded the motion. Motion unanimously carried.

Regarding citation #2582 issued to pharmacist Carl Thulin; Frank Casabonne made a motion to fine Mr. Thulin \$100 and place a letter of reprimand in his file. Kitty Gurnsey seconded the motion. Motion unanimously carried.

Regarding citation # 2577 issued to pharmacist Carl Thulin; Mike Merrill made a motion to fine Mr. Thulin \$400 and place a letter of reprimand in his file. Frank Casabonne seconded the motion. Motion unanimously carried.

Group Health Cooperative represented by Douglas Beeman, Brian Harris and Michael Norwood, presented the EpicCare system, which is an electronic medical record and clinical information system. The system is in place in Western Washington and will be implemented in their Coeur d' Alene clinic beginning in October 2005. Group Health Cooperative is seeking approval for the EpicCare system for electronic prescription utilization. In demonstrating some of the capabilities of the system Group Health feels it will make major improvements in patient safety and delivery of care. The system has a complete audit trail for every transaction placed in the system. Explicit policies and procedures if implemented correctly would assure confidentiality and security safeguards for protecting patient information and from unauthorized access, modification or manipulation.

Regarding citation #1292 issued to pharmacist Richard Anderson; Mike Merrill made a motion to withdraw the citation and call for an emergency suspension of Mr. Anderson's pharmacy license until such time as the Board is able to talk to Mr. Anderson and determine why he was dispensing controlled substances without a prescription. Frank Casabonne seconded the motion. Motion unanimously carried.

Regarding citation # 2581 issued to pharmacy technician Aimee Thompson; Frank Casabonne made a motion to fine Ms. Thompson \$100 and place a letter of reprimand in her file. Kitty Gurnsey seconded the motion. Motion unanimously carried.

Regarding citation # 2580 issued to pharmacist James Miller; Mike Merrill made a motion to fine Mr. Miller \$100 and place a letter of reprimand in his file. Frank Casabonne seconded the motion. Motion unanimously carried.

Regarding citation # 1810 issued to April Bryant; Based on the Board attorney's interpretation of Board Rule 251.07.b. Frank Casabonne made a motion to fine Ms. Bryant \$100 and place a letter of reprimand in her file. Kitty Gurnsey seconded the motion. Motion unanimously carried.

Regarding citation # 1809 issued to Daniel Markowski; Based on the Board attorney's interpretation of Board Rule 251.07.b. Kitty Gurnsey made a motion to fine Mr. Markowski \$100 and place a letter of reprimand in his file. Mike Merrill seconded the motion. Motion unanimously carried.

Regarding the proposal for voluntary surrender of the controlled substance registration for Neal Amsden MD; Kitty made a motion to accept the voluntary surrender and to suspend his controlled substance registration indefinitely. Frank Casabonne seconded the motion. Motion unanimously carried.

Kent Alexander from Dick's Compounding Pharmacy requested the Board's consideration for possibly expanding the roles of additional personnel in the pharmacy, other than the pharmacy technician. Mr. Alexander's suggestion included drafting a rule to allow supportive personnel with specialty training and/or education in health related areas to consult with patients within the specific realm of their training and education. Those support personnel would be under the direct supervision of the managing pharmacist. In follow-up discussions the board members felt that this type of consultation would require a collaborative practice agreement. Mr. Alexander's proposal would also require expanding the existing technician to pharmacist ratio or implementing another registration for the support personnel.

During legislation and rule review the board members gave their unanimous consent for Mr. Markuson and Kent Nelson to proceed with the proposed rule changes to 433.10 requiring positive identification on controlled substance prescriptions. Rule 188 is for housekeeping purposes to remove the Medicaid wording "brand medically necessary." Mr. Markuson also discussed proposed changes to 37-2722 and 54-1733 to address clarifying what constitutes a valid prescription and the jurisdictions in which practitioners are authorized to prescribe for their patients.

At 3:05 P.M. Frank Casabonne moved to go into Executive Session for matters concerning exempt public records. Chairman Dwayne Sheffler identified Idaho Code Section 67-2345(d) to authorize the session. Mike Merrill seconded the motion. Motion unanimously carried. At 3:30 P.M. Frank Casabonne moved to come out of Executive Session. Mike Merrill seconded the motion. Motion unanimously carried.

The next Board meeting was scheduled for November 18, 2005. Due to outside noise interference during the Board meeting board members recommended finding an alternate location for holding the meeting. Board staff will select a new location and board members will be notified at a later date.

Meeting adjourned at 3:55 P.M.

Minutes from this meeting respectfully submitted by Jan Atkinson.

Chairman

Vice-Chairman

Member

Member

Member

Executive Director